

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Defining Primary Lines )

CC Docket No. 97-181

COMMENTS OF SPRINT CORPORATION

Sprint Corporation hereby submits its views on the issues on which further comment was sought in the March 10, 1999 Report and Order and Further Notice of Proposed Rulemaking in the above-captioned proceeding (FCC 99-28).

In the Report and Order, the Commission adopted a general rule, for purposes of assessing subscriber line charges (SLCs) and primary interexchange carrier charges (PICCs), that only one residential line per service location will be considered a primary residential line (§15). This rule applies even in instances when different members of the same family have separate accounts for local telephone service or even when more than one family unit or unrelated persons occupy a particular location. In the Further NPRM, the Commission observed (§41) that when one or more members of a residence have hearing or speech disabilities, the members of the residence often subscribe to one line dedicated to a traditional telephone and another line used for a text telephone (TTY). The Commission tentatively concluded (§42) that persons with speech or hearing disabilities should have access to the network at primary line rates. To this end, the Commission suggested (§43) the possibility that a line used in conjunction with a TTY could be considered a primary line even if there were another primary line in the household used for residents without hearing/speech disabilities. Alternatively, the Commission

suggested (§44) that the TRS fund might be used to explicitly subsidize the difference in charges that apply in cases where a TTY line is deemed non-primary. The Commission also sought comment on whether carrier records indicate the presence of TTYs at a premises and on other technologies or services that require an additional line to permit consumers with disabilities to access the telephone network and whether those lines should also receive primary line rates.

Sprint is very sensitive to, and has heightened awareness of, the communications challenges faced by persons with speech and hearing disabilities. Sprint has been the industry leader in providing telecommunications relay services, and is currently the contractor in 24 states. This involvement in TRS has caused Sprint to become more aware of the lack of functional equivalency and of the challenges that people with such disabilities encounter in everyday life. Sprint is also aware of the tremendous advantages that benefit the public at large from making available, at reasonable cost, services and technologies that facilitate communications among these disabled persons and between these disabled persons and persons with normal hearing and speech abilities.

In order to have some rudimentary connection to the network, it is not absolutely necessary that a residence be equipped with two separate lines: one for the TTY and one for an ordinary telephone. Both types of instruments can use separate extensions of a single line. Nonetheless, relying on a single line can be restrictive and may prevent adequate communications for all parties involved. For example, a call coming into a TTY line generates loud, high-pitched tones that can cause physical discomfort to a hearing person who picks up the ordinary telephone to answer the call. Likewise, if an outside caller intends to call someone in the residence who has normal speech and



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**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

October 16, 1998

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 – 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

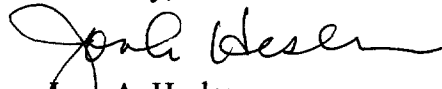
Re: C Docket No. 97-181 (Comments)

Dear Ms. Salas:

Enclosed is a diskette containing the above-captioned document, formatted using WordPerfect 5.1 for Windows.

If you have any questions please contact me.

Sincerely,

  
Joan A. Hesler  
Legal Secretary

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hearing, but the call is answered by the TTY instead of the ordinary telephone, the caller will hear these same high-pitched tones from the TTY. Moreover, the caller may believe that he or she has reached a fax machine and may simply hang up without ever reaching the intended party. The availability of separate lines for the TTY and the ordinary telephone avoids these problems of physical discomfort and missed calls. Moreover, having two lines into locations where persons with speech or hearing disabilities reside enables the use of services, such as two-line voice carryover (VCO) and hearing carryover (HCO) (described at n.120 of the FNPRM) that improve the pace of communications and thus lessen the disadvantages faced by persons with such disabilities in communicating over the network.

In addition to voice carryover and hearing carryover services, video technologies have been developed that permit a hearing or speech disabled person who uses American Sign Language to communicate in his or her native language. For persons who use ASL, these video services are more properly viewed as basic enabling technologies than “optional” or “premium” services. The use of this video technology in a TRS setting can dramatically improve communications between hearing or speech-disabled persons and non-disabled persons. Several TRS providers are investigating the use of video technologies in a relay or TRS application, and tests of such services have received enthusiastic support from both hearing/speech disabled communities and the hearing community as well. Their universal response is that conversations via video relay are much more fluid and natural, and closer to functional equivalence than a typical TTY to voice TRS call, or even a VCO/HCO call. And when ASL users are on both ends of a call and employ video technology directly, the communications process is more like a

typical voice call between non-ASL/non-hearing-disabled consumers. However, video services, by their very nature, require higher bandwidth technologies such as ISDN BRI service, multiple POTS lines for use in “bonded POTS” applications, or xDSL technology.

In view of the Commission’s statutory duty, under §225(b)(1) of the Act, to ensure that interstate and intrastate telecommunications relay services “are available, to the extent possible and in the most efficient manner to hearing impaired and speech-impaired individuals” and in view of the functional equivalence standard embodied in the definition of telecommunications relay services in §225(a)(3), Sprint believes the Commission should subsidize an appropriate portion of the cost of additional lines for persons with such disabilities. However, for both the practical and policy reasons discussed below, Sprint does not believe that defining multiple lines as “primary” in residences where speech or hearing impaired people reside is the proper way to provide such support. Instead, a direct subsidy provided through the TRS Fund is a more appropriate and efficient mechanism.

First, in the context of access charges, it would be difficult to square the Commission’s general rule in the Report and Order that there is only one primary line per location, regardless of the number of accounts or number of family units sharing the location, with an exception solely to individuals who happen to have a particular type of physical impairment. Access charges should be used to enable LECs to recover efficiently their costs of providing interstate access, nothing more and nothing less. Access charge mechanisms should not be used to fund social policy goals, no matter how worthy those goals may be. Congress said as much when, in enacting §254(e), it required

universal service support (which historically has been funded in part through access charge mechanisms) to be funded explicitly rather than implicitly. If §225 empowers the Commission to subsidize a portion of the costs of multiple lines for the speech and hearing-impaired, then the Commission should use the TRS Fund – which is more broadly based than switched access charges<sup>1</sup> – for this worthy purpose. If the Commission does not believe §225 provides authority for such a direct subsidy, then it is difficult to see how the Commission could lawfully accomplish the same result indirectly by creating an exception in the definition of “primary line” in its access rules.

Second, treating an additional line as “primary” for access charge purposes may not result in conferring any benefit on the hearing and speech-impaired. Under the Access Charge Reform Order, 12 FCC Rcd 15982 (1997) (subsequent history omitted), ultimately the sum of the SLC and PICC for primary lines will equal the sum of the SLC and PICC for non-primary lines (*id.* at 16023-24). The lower SLCs associated with primary lines will be offset by higher PICCs. Thus, when the Commission’s access reform plan is fully implemented, there will be no benefit to the hearing and speech-impaired if IXC’s pass their PICC costs through on a per-line basis.

Even in the short run, when the sum of the primary line SLC and PICC is less than the sum of these charges for non-primary lines, the benefit to the hearing and speech-impaired of classifying a second line as “primary” would be less than one might think at first blush. For the present, Sprint and other IXC’s are recovering residential PICC costs through a per-account, rather than a per-line, charge. So long as IXC’s continue to

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<sup>1</sup> The brunt of switched access charges falls on long-distance voice carriers and their customers, while the TRS Fund is recovered from all carriers providing interstate services. See §64.404(c)(4)(iii)(A) of the Rules.

recover PICC costs in this manner, hearing and speech-impaired customers do not incur any additional long-distance charges by virtue of having a second line that is classified as “non-primary.” As a result, classifying a second line as “primary” would have no beneficial impact on these consumers insofar as the PICC is concerned.

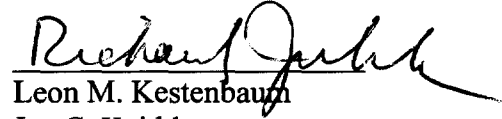
Third, using access charges as a subsidy mechanism, rather than directly subsidizing eligible recipients from the TRS Fund, would create a number of administrative complexities for LECs, the costs of which would ultimately fall on their customers. The Sprint LECs have no way of identifying locations where TTYs are employed. Thus, they would have to take information from the consumers who qualify for the special treatment (and presumably, update that information from time to time), change the billing system to allow a location to have more than one primary line, and develop procedures to populate the records relating to a location, once it is determined that the location is entitled to more than one primary line. Furthermore, to the extent that reliance on an access charge mechanism would result in any benefit to the consumers in question (see the preceding paragraphs), the amount of the benefit could be rather haphazard, varying from LEC to LEC because of differences in the carriers’ interstate-allocated loop costs and in the mix of the various types of lines.

In short, it is inappropriate, inefficient and perhaps self-defeating to attempt to address the needs of this deserving segment of the population through a manipulation of the access charge rate structure. Rather, Sprint encourages the Commission to initiate a

proceeding to consider a direct subsidy from the TRS Fund for an appropriate portion of the cost of additional lines for hearing and speech-impaired consumers.

Respectfully submitted,

SPRINT CORPORATION

A handwritten signature in dark ink, appearing to read "Leon M. Kestenbaum", is written over a horizontal line.

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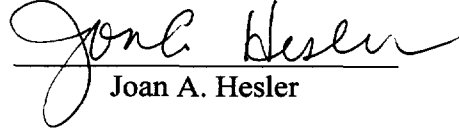
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April 9, 1999



## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing COMMENTS of Sprint Corporation was Hand Delivered or sent by United States first-class mail, postage prepaid, on this the 9th day of April, 1999 to the parties on the attached service list:

  
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